



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/872,647

05/31/2001

Alok K. Srivastava

254/254

1722

23639

7590

09/08/2006

BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO, CA 94111-4067

EXAMINER

RAMPURIA, SATISH

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,647	Applicant(s) SRIVASTAVA ET AL.	
	Examiner Satish S. Rampuria	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the RCE filed on July 14, 2006. As indicated by the Applicant that the response submitted on May 12 [[9]], 2006 should be considered.
2. Claims 1-32 are pending.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 14, 2006 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claim have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

- (i) Berry nor Sotomayor alone or in combination does not disclose, teach or suggest at least the claimed limitation of "storing... the trace capable of navigating to a second trace log" of claims 1, 17, and 32.

Art Unit: 2191

Examiner's response:

- (i) In response to applicants arguments that neither Berry nor Sotomayor alone or in combination does not disclose, teach or suggest at least the claimed limitation of "storing... the trace capable of navigating to a second trace log" of claims 1, 17, and 32. Berry discloses trace record (one or more traces) which represents an occurrence of some profiling event of interest. Each trace record contains a starting timestamp representing the time at which the generation of the trace record was commenced and an ending timestamp representing the time at which the generation of the trace record was completed (See summary). Sotomayor discloses scanning one or more documents, automatically identifies significant key topics, concepts, and phrases in the documents, and creates summary pages for and hyperlinks between, these key topics. Although, Sotomayor discloses creating hyperlinks between documents and key topics. Sotomayor is silent on storing... the trace capable of navigating to a second trace log. However, the feature of trace capable of navigating to a second trace log deemed to be inherent to Sotomayor's system. Since, Sotomayor system is capable of creating hyperlinks between key topics (trace log). Therefore, rejection is proper and maintained herein.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

Art Unit: 2191

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,598,012 to Berry et al. (hereinafter called Berry) in view of US Patent No. 5,708,825 to Sotomayor et al. (hereinafter called Sotomayor).

Per claim 1, 3-10:

Berry disclose:

- receiving a trace (col. 11, lines 34 “trace data is received”) comprising a trace string over a network, the trace associate with a first trace log (see fig. 1 and related discussion);
- parsing the trace string (col. 18, lines 34 “trace record to parse”);
- storing the new version of the trace in computer readable medium, the new version of the trace capable of navigating to a second trace log (col. 27, lines 1-8 “... distributed in computer readable medium... communication links”).

Berry does not explicitly disclose generating a new version of the trace in a markup language syntax.

However, Sotomayor discloses in an analogous computer system generating a new version of the trace in a markup language syntax (col. 4, lines 12-15 “automatically... creates... hyperlinks between... topics”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of creating hyperlinks between the documents or text as taught by Sotomayor into the method of analyzing the trace as taught by Berry. The

Art Unit: 2191

modification would be obvious because of one of ordinary skill in the art would be motivated to have the hyperlinks between documents or texts (in this case links to traces) to provide automatically generating hyperlinks between documents and/or text as suggested by Sotomayor (col. 3 to 4, lines 57-67 and 1-10).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Berry disclose:

- generating data based upon results of parsing the trace string (fig. 6 element 614).

Per claim 11, 13, 30:

The rejection of claim 1 is incorporated, and further, Berry disclose:

- receiving a search condition fro emphasizing a pattern (fig. 20A and 22B and related discussion).

Per claim 12:

Berry does not explicitly disclose the new version of trace in markup language syntax comprises a markup language statement for visually highlighting the trace.

However, Sotomayor discloses in an analogous computer system the new version of trace in markup language syntax comprises a markup language statement for visually highlighting the trace (col. 1 to 2, lines 66 and 1-8 “hyperlink source... displayed... hot area... hot area is visually indicated by highlighting... blinking... icon... picture...”).

The feature of highlighting the text (in this case trace string) would be obvious for the reasons set forth in the rejection of claim 1.

Per claims 14-16:

The rejection of claim 1 is incorporated, and further, neither Berry nor Sotomayor disclose markup language syntax comprises a variant of SGML and comprises XML and viewing new version of the trace using a browser capable of understanding the markup language syntax.

However, SGML, XML are well know in the art for marking up documents so that they could be parsed by computer programs to display in a browser. HTML is an example of an SGML DTD. XML is a simplified descendant of SGML.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the marking up language SGML and XML to display documents or text using a browser to provide documents available via World Wide Web for access to anytime and from anywhere.

Claims 17-20 are the system claim corresponding to method claims 1-4 respectively and rejected under the same rational set forth in connection with the rejection of claims 1-4 respectively, above.

Claims 21-24 are the system claim corresponding to method claims 7-10 respectively and rejected under the same rational set forth in connection with the rejection of claims 7-10 respectively, above.

Claims 25-27 are the system claim corresponding to method claims 12, 14, and 15 respectively and rejected under the same rationale set forth in connection with the rejection of claims 12, 14, and 15 respectively, above.

Claims 28-29 are the system claim corresponding to method claim 1 and rejected under the same rationale set forth in connection with the rejection of claim 1 above.

Claim 31 is the system program product claim corresponding to method claim 1 and rejected under the same rationale set forth in connection with the rejection of claim 1 above.

Claim 32 is the computer program product claim corresponding to method claim 1 and rejected under the same rationale set forth in connection with the rejection of claim 1 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2191

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191



WEI ZHEN
SUPERVISORY PATENT EXAMINER